

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION
Washington, D.C.

Issued October 16, 1939

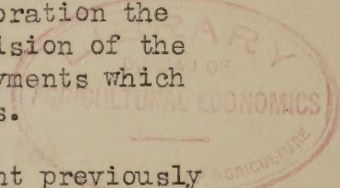
(A compilation of the Revised Order Governing Set-Offs, entered by the Secretary May, 8, 1937, including Supplements 1 to 7 thereto)

REVISED ORDER WITH RESPECT TO THE CONDITIONS UNDER WHICH CERTAIN DEBTS OF PERSONS OWING THE UNITED STATES ON ACCOUNT OF INDEBTEDNESS TO THE SEVERAL DEPARTMENTS, INDEPENDENT AGENCIES, OR ESTABLISHMENTS OF THE GOVERNMENT, INCLUDING ANY BUREAU, ADMINISTRATION OR CORPORATION OF THE DEPARTMENT OF AGRICULTURE, MAY BE SET OFF AGAINST PAYMENTS WHICH MAY BE PAYABLE TO SUCH PERSONS UNDER THE VARIOUS PROGRAMS ADMINISTERED BY THE AGRICULTURAL ADJUSTMENT ADMINISTRATION OR UNDER THE SUGAR ACT OF 1937

Pursuant to the authority vested in the Secretary of Agriculture by the item entitled "Payments for Agricultural Adjustment" contained in the Supplemental Appropriation Act, fiscal year 1936, approved February 11, 1936, Public No. 440, 74th Congress, 49 Stat. 1116, as amended; by sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, approved February 29, 1936, Public No. 461, 74th Congress, 49 Stat. 1148, as amended; by the item entitled "Price Adjustment Payment to Cotton Producers" contained in the Third Deficiency Appropriation Act, fiscal year 1937, approved August 25, 1937, Public No. 354, 75th Congress, 50 Stat. 762, as amended and modified; by Title III of the Sugar Act of 1937, approved September 1, 1937, Public No. 414, 75th Congress, 50 Stat. 903; by sections 303 and 372(c) of Title III and by Title IV of the Agricultural Adjustment Act of 1938, approved February 16, 1938, Public No. 430, 75th Congress, 52 Stat. 31, as amended; and by the Price Adjustment Act of 1938, approved June 21, 1938, Title V of Public No. 122, 75th Congress, 52 Stat. 819, I hereby declare the following to be the conditions under which certain debts of persons owing the Government of the United States on account of indebtedness due and unpaid to any department, establishment, or independent agency of the Government, any corporation all the stock of which is owned by the United States, or any bureau or administration of the Department of Agriculture, including any corporation the affairs of which are administered by or under the supervision of the Secretary of Agriculture, will be set off against any payments which may be payable to such persons under any of said statutes.

This revised order supersedes any order or agreement previously entered or made by or on behalf of the Secretary of Agriculture in the matter. All cases of indebtedness now appearing on the Register of Indebtedness other than those relating to indebtedness to the Agricultural Adjustment Administration shall be removed from such Register without the allowance of set-off except those cases which come within the terms of this revised order, provided, however, that where vouchers have been submitted to the Claims Division, General Accounting Office, Washington, D. C., in accordance with the previous order, set-offs shall be allowed against the amount of such vouchers and the balance,

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if any, due the producer shall be paid directly to him.

In order to protect the interests of the United States and at the same time to effectuate the purposes of said Acts, set-offs shall be made in, but limited to, cases where:

(a) The debtor has committed a fraud against the United States, or there is evidence establishing material misrepresentation of fact, in securing a loan from the United States, without which fraudulent act or material misrepresentation the loan would not have otherwise been made, or would have otherwise been made in a smaller amount. (Provisos (1), (6), (7), (9), (10) and (20) are applicable to classification (a).)

(b) The debtor, subsequent to the making of a loan agreement, requests in writing that a payment or payments due him under any of the above-cited Acts be applied in whole or in part in liquidation of his indebtedness.

(Provisos (2), (8), (9), (10), (19) and (20) are applicable to classification (b).)

(c) A person who is indebted to the Farm Security Administration has failed to use the borrowed funds for purposes specified in the written loan agreement.

(Provisos (6), (7), (9), (10), (11), and (20) are applicable to classification (c).)

(d) A person who is indebted to the Farm Security Administration has in bad faith disposed of property covered by a mortgage, deed of trust, or lien instrument given to secure the loan.

(Provisos (6), (7), (9), (10), (11) and (20) are applicable to classification (d).)

(e) A person is indebted to the Commodity Credit Corporation in connection with a loan on a commodity in farm storage on account of his failure to deliver to the Corporation the mortgaged commodity in the quantity and quality specified in his loan agreement; provided, that:

(1) In the case of 1938 shelled corn loans (i.e., renewal loans on shelled corn of the 1937 crop made pursuant to a

loan agreement on 1938 C.C.C. Form A), called prior to maturity, no set-off shall be made on account of a deficiency in the quality of the corn delivered or available for delivery if, upon investigation by a representative of the State committee in accordance with instructions issued by the Agricultural Adjustment Administration, the State committee finds that the corn collateral deteriorated in grade through no fault of the borrower.

- (2) In case of a deficiency in quantity, the set-off shall be in an amount equal to the loan value, plus interest and charges, of the quantity not delivered or available for delivery unless (i) such deficiency was occasioned by fire, lightning, wind storm, flood, theft, conversion, or other cause occurring subsequent to execution of the loan agreement by the borrower, or (ii) the loan agreement provides for a greater liability on the part of the borrower.

(Provisos (6), (7), (9), (10), (14) and (20) are applicable to classification (e).)

- (f) A person is indebted to the Commodity Credit Corporation under the terms of his 1937-38 corn or cotton loan agreements.

(Provisos (6), (7), (9), (10), (16) and (20) are applicable to classification (f).)

- (g) The United States has secured a judgment against the debtor which remains unsatisfied.

(Provisos (6), (7), (9), (10), (18) and (20) are applicable to classification (g).)

- (h) A person is indebted to the Agricultural Adjustment Administration

Provided, however, that:

- (1) Requests for set-offs in cases coming within classification (a) shall be made on Form AAA-371, "Request and Certification to Agricultural Adjustment Administration for Allowance of Set-off", and all the information required by such form must be entered. The certification must be signed by an authorized representative of such

department, establishment or independent agency of the Government requesting the set-off.

- (2) Requests by debtors for set-offs in cases coming within classification (b) shall be made on Form AAA-372, "Producer's Request for Set-off", or the equivalent thereof, provided all the information required by such form is submitted.
- (3) Revoked by Supplement 6.
- (4) Revoked by Supplement 6.
- (5) Revoked by Supplement 6.
- (6) With respect to cases coming within classifications (a), (c), (d), (e), (f), and (g), the amount to be set off shall not exceed the principal sum(s) owed by the debtor and the interest charges computed to the date of the request on account of which set-off is allowed.
- (7) With respect to cases coming within classifications (a), (c), (d), (e), (f), and (g) whenever a set-off is to be effected by means of a direct settlement the amount of indebtedness, in so far as this revised order is concerned, shall be reduced at the time the voucher is transmitted to the Claims Division of the General Accounting Office by the amount of payment administratively certified subject to deduction.
- (8) With respect to cases coming within classification (b), the amount to be set off shall be limited to the payment(s) and the part thereof specified by the debtor in his signed statement or consent.
- (9) In no case shall a payment be withheld for the purpose of making a set-off subsequent to the initial administrative certification for payment of the voucher.
- (10) In no case shall any department, independent agency, bureau, administration other than the Agricultural Adjustment Administration, or corporation, as described in the first paragraph, except for the purpose of filing Form AAA-372, or the equivalent thereof, communicate with any officer or employee of any County Agricultural Conservation Association or other association or committee of producers with a view to securing a set-off, or with a view to the withholding of any check issued pursuant to any of the above-cited

Acts which may be in, or come into his or their possession awaiting delivery to the payee; provided, however, that with respect to cases coming within classification (g) inquiry may be made at the office of the County Agricultural Conservation Association as to whether the judgment-debtor has filed with respect to a particular crop year an intention to participate in one or more of the programs administered by the Agricultural Adjustment Administration or under the Sugar Act of 1937.

- (11) Requests for set-offs in cases coming within classifications (c) and (d) shall be made on Forms AAA-373, "Request by the Farm Security Administration to the Agricultural Adjustment Administration for Allowance of Set-off Pursuant to Classification (c) of the Order of the Secretary of May 8, 1937, Revised", and AAA-374, "Request by the Farm Security Administration to the Agricultural Adjustment Administration for Allowance of Set-off pursuant to Classification (d) of the Order of the Secretary of May 8, 1937, Revised", respectively, and all the information required by such forms must be entered. The certification on the forms shall be signed by authorized representatives of the Farm Security Administration.
- (12) Revoked by Supplement 6.
- (13) Provisos (6), (7), (9), and (10) are hereby made applicable to classifications (c) and (d).
- (14) Requests for set-offs in cases coming within the revised classification (e) shall be made on Form AAA-386, Revised, "Request by Commodity Credit Corporation to Agricultural Adjustment Administration for Allowance of Set-Off Pursuant to Classification (e), Revised, of the Order Governing Set-Offs Revised by the Secretary of Agriculture August 17, 1939". The certification thereon must be signed by an authorized representative of the Commodity Credit Corporation.
- (15) Provisos (6), (7), (9), and (10) are hereby made applicable to classification (e).
- (16) Requests for set-offs in cases coming within classification (f) shall be made on Form AAA-389, "Request by Commodity Credit Corporation to Agricultural Adjustment Administration for Allowance of Set-Off Pursuant to Classification (f) of the Order Governing Set-Offs, Revised by the Secretary of Agriculture April 4, 1939". The certification thereon must be signed by an authorized representa-

tive of the Commodity Credit Corporation

- (17) Provisos (6), (7), (9) and (10) are hereby made applicable to classification (f).
- (18) Requests for set-offs in cases coming within classification (g) shall be made on Form AAA-396, "Request and Certification to Agricultural Adjustment Administration for Allowance of Set-Off Pursuant to Classification (g) of the Order Governing Set-Offs Revised by the Secretary of Agriculture August 18, 1939". Provisos (6), (7) and (9) are hereby made applicable to classification (g).
- (19) Set-offs in cases coming within classification (b) shall not be made if, at the time Form AAA-372 relating to a payment for a particular crop year under Section 8 of the Soil Conservation and Domestic Allotment Act, as amended, is filed in the office of the local county agricultural conservation association, the person executing Form AAA-372 has previously filed in that office Part I of Form ACP-69 assigning such payment in whole or in part.
- (20) Forms AAA-372 shall be filed with the applicable County Agricultural Conservation Association. Forms AAA-371 and 396 executed by bureaus, administrations or corporations within the Department of Agriculture, 373, 374, 386-Revised, and 389, applicable to States in the East Central and Northeast Regions of the Agricultural Adjustment Administration shall be filed with the Examining Section in Washington of the Agricultural Adjustment Administration, and where applicable to other States they shall be filed with the applicable State Offices of the Agricultural Adjustment Administration. Forms AAA-371 and 396 executed by agencies of the Government not within the Department of Agriculture shall be filed with the Administrator of the Agricultural Adjustment Administration or, with the prior approval of the Administrator, may be filed with the applicable State offices or Examining Section.

Irrespective of the time of recordation on the Register of Indebtedness in the office of the county agricultural conservation association, any claim to the right of set-off made by the Department of Agriculture shall have priority over any claim to such right made by any other department, independent agency, or establishment of the Government, and claims within the Department of Agriculture shall be satisfied in the following order of priority, namely, Agricultural Adjustment Administration, Commodity Credit Corporation, Farm Security Administration,

and Farm Credit Administration.

The head of any such department, independent agency, or establishment of the Government, including any other administration or bureau of the Department of Agriculture, desiring that set-offs be made in any cases coming within the terms of this revised order shall notify in writing the Administrator of the Agricultural Adjustment Administration to that effect in order that the necessary procedure may be established and approved by him. The Administrator of the Agricultural Adjustment Administration is hereby authorized to revise such existing forms and to issue such new forms as may be required from time to time for the proper administration of this order.

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Washington, D. C.

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U. S. Department of Agriculture

Issued January 31, 1940

(A compilation of the Revised Order Governing Set-Offs, entered by the Secretary May 8, 1937, including Supplements 1 to 8 thereto)

REVISED ORDER WITH RESPECT TO THE CONDITIONS UNDER WHICH CERTAIN DEBTS OF PERSONS OWING THE UNITED STATES ON ACCOUNT OF INDEBTEDNESS TO THE SEVERAL DEPARTMENTS, INDEPENDENT AGENCIES, OR ESTABLISHMENTS OF THE GOVERNMENT, INCLUDING ANY BUREAU, ADMINISTRATION OR CORPORATION OF THE DEPARTMENT OF AGRICULTURE, MAY BE SET OFF AGAINST PAYMENTS WHICH MAY BE PAYABLE TO SUCH PERSONS UNDER THE VARIOUS PROGRAMS ADMINISTERED BY THE AGRICULTURAL ADJUSTMENT ADMINISTRATION OR UNDER THE SUGAR ACT OF 1937

Pursuant to the authority vested in the Secretary of Agriculture by the item entitled "Payments for Agricultural Adjustment" contained in the Supplemental Appropriation Act, fiscal year 1936, approved February 11, 1936, Public No. 440, 74th Congress, 49 Stat. 1116, as amended; by sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, approved February 29, 1936, Public No. 461, 74th Congress, 49 Stat. 1148, as amended; by the item entitled "Price Adjustment Payment to Cotton Producers" contained in the Third Deficiency Appropriation Act, fiscal year 1937, approved August 25, 1937, Public No. 354, 75th Congress, 50 Stat. 762, as amended and modified; by Title III of the Sugar Act of 1937, approved September 1, 1937, Public No. 414, 75th Congress, 50 Stat. 903; by sections 303 and 372(c) of Title III and by Title IV of the Agricultural Adjustment Act of 1938, approved February 16, 1938, Public No. 430, 75th Congress, 52 Stat. 31, as amended; and by the Price Adjustment Act of 1938, approved June 21, 1938, Title V of Public No. 122, 75th Congress, 52 Stat. 819, I hereby declare the following to be the conditions under which certain debts of persons owing the Government of the United States on account of indebtedness due and unpaid to any department, establishment, or independent agency of the Government, any corporation all the stock of which is owned by the United States, or any bureau or administration of the Department of Agriculture, including any corporation the affairs of which are administered by or under the supervision of the Secretary of Agriculture, will be set off against any payments which may be payable to such persons under any of said statutes.

This revised order supersedes any order or agreement previously entered or made by or on behalf of the Secretary of Agriculture in the matter. All cases of indebtedness now appearing on the Register of Indebtedness other than those relating to indebtedness to the Agricultural Adjustment Administration shall be removed from such Register without the allowance of set-off except those cases which come within the terms of this revised order, provided, however, that where vouchers have been submitted to the Claims Division, General Accounting Office, Washington, D. C., in accordance with the previous order, set-offs shall be allowed against the amount of such vouchers and the balance,

if any, due the producer shall be paid directly to him.

In order to protect the interests of the United States and at the same time to effectuate the purposes of said Acts, set-offs shall be made in, but limited to, cases where:

- (a) The debtor has committed a fraud against the United States, or there is evidence establishing material misrepresentation of fact, in securing a loan from the United States, without which fraudulent act or material misrepresentation the loan would not have otherwise been made, or would have otherwise been made in a smaller amount. (Provisos (1), (6), (7), (9), (10) and (20) are applicable to classification (a).)
- (b) Revoked by Supplement 8, effective February 10, 1940. This revocation does not affect requests for voluntary set-offs, AAA-372's, filed in county offices prior to February 10, 1940.
- (c) A person who is indebted to the Farm Security Administration has failed to use the borrowed funds for purposes specified in the written loan agreement. (Provisos (6), (7), (9), (10), (11), and (20) are applicable to classification (c).)
- (d) A person who is indebted to the Farm Security Administration has in bad faith disposed of property covered by a mortgage, deed of trust, or lien instrument given to secure the loan. (Provisos (6), (7), (9), (10), (11), and (20) are applicable to classification (d).)
- (e) A person is indebted to the Commodity Credit Corporation in connection with a loan on a commodity in farm storage on account of his failure to deliver to the Corporation the mortgaged commodity in the quantity and quality specified in his loan agreement; provided, that:
 - (1) In the case of 1938 shelled corn loans (i.e., renewal loans on shelled corn of the 1937 crop made pursuant to a loan agreement on 1938 C.C.C. Form A), called prior to maturity, no set-off shall be made on account of a deficiency in the quality of the corn delivered or available for delivery if, upon investiga-

tion by a representative of the State committee in accordance with instructions issued by the Agricultural Adjustment Administration, the State committee finds that the corn collateral deteriorated in grade through no fault of the borrower.

- (2) In case of a deficiency in quantity, the set-off shall be in an amount equal to the loan value, plus interest and charges, of the quantity not delivered or available for delivery unless (i) such deficiency was occasioned by fire, lightning, wind storm, flood, theft, conversion, or other cause occurring subsequent to execution of the loan agreement by the borrower, or (ii) the loan agreement provides for a greater liability on the part of the borrower.

(Provisos (6), (7), (9), (10), (14) and (20) are applicable to classification (e).)

- (f) A person is indebted to the Commodity Credit Corporation under the terms of his 1937-38 corn or cotton loan agreements.

(Provisos (6), (7), (9), (10), (16) and (20) are applicable to classification (f).)

- (g) The United States has secured a judgment against the debtor which remains unsatisfied.

(Provisos (6), (7), (9), (10), (18) and (20) are applicable to classification (g).)

- (h) A person is indebted to the Agricultural Adjustment Administration.

- (i) Any account or renewal thereof arising from the loan operations of the Farm Security or Farm Credit Administrations (1) becomes finally due on or after July 1, 1939, and (2) has not been finally settled by such creditor agency within a period of two years thereof, and, at the expiration of such two-year period, (a) the debtor is not a client of and does not have a current loan from such creditor agency (except for collection purposes), and (b) such creditor agency considers a request for set-off in such case to be in the interest of its program.

(Provisos (6), (7), (9), (10), (20), (21), and (22) are applicable to classification (i).)

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Provided, however, that:

- (1) Requests for set-offs in cases coming within classification (a) shall be made on Form AAA-371, "Request and Certification to Agricultural Adjustment Administration for Allowance of Set-off", and all the information required by such form must be entered. The certification must be signed by an authorized representative of such department, establishment or independent agency of the Government requesting the set-off.
- (2) Revoked by Supplement 8.
- (3) Revoked by Supplement 6.
- (4) Revoked by Supplement 6.
- (5) Revoked by Supplement 6.
- (6) With respect to cases coming within classifications (a), (c), (d), (e), (f), (g), and (i), the amount to be set off shall not exceed the principal sum(s) owed by the debtor and the interest charges computed to the date of the request on account of which set-off is allowed.
- (7) With respect to cases coming within classifications (a), (c), (d), (e), (f), (g), and (i), whenever a set-off is to be effected by means of a direct settlement the amount of indebtedness, in so far as this revised order is concerned, shall be reduced at the time the voucher is transmitted to the Claims Division of the General Accounting Office by the amount of payment administratively certified subject to deduction.
- (8) Revoked by Supplement 8.
- (9) In no case shall a payment be withheld for the purpose of making a set-off subsequent to the initial administrative certification for payment of the voucher.
- (10) In no case shall any department, independent agency, bureau, administration other than the Agricultural Adjustment Administration, or corporation, as described in the first paragraph, communicate with any officer or employee of any County Agricultural Conservation Association or other association or committee of producers with a view to securing a set-off, or with a

view to the withholding of any check issued pursuant to any of the above-cited Acts which may be in or come into his or their possession awaiting delivery to the payee; provided however, that with respect to cases coming within classification (g) inquiry may be made at the office of the County Agricultural Conservation Association as to whether the judgment-debtor has filed with respect to a particular crop year an intention to participate in one or more of the programs administered by the Agricultural Adjustment Administration or under the Sugar Act of 1937.

- (11) Requests for set-offs in cases coming within classifications (c) and (d) shall be made on Forms AAA-373, "Request by the Farm Security Administration to the Agricultural Adjustment Administration for Allowance of Set-off Pursuant to Classification (c) of the Order of the Secretary of May 8, 1937, Revised", and AAA-374, "Request by the Farm Security Administration to the Agricultural Adjustment Administration for Allowance of Set-off pursuant to Classification (d) of the Order of the Secretary of May 8, 1937, Revised", respectively, and all the information required by such forms must be entered. The certification on the forms shall be signed by authorized representatives of the Farm Security Administration.
- (12) Revoked by Supplement 6.
- (13) Provisos (6), (7), (9), and (10) are hereby made applicable to classifications (c) and (d).
- (14) Requests for set-offs in cases coming within the revised classification (e) shall be made on Form AAA-386, Revised, "Request by Commodity Credit Corporation to Agricultural Adjustment Administration for Allowance of Set-Off Pursuant to Classification (e), Revised, of the Order Governing Set-offs Revised by the Secretary of Agriculture August 17, 1939". The certification thereon must be signed by an authorized representative of the Commodity Credit Corporation.
- (15) Provisos (6), (7), (9), and (10) are hereby made applicable to classification (e).
- (16) Requests for set-offs in cases coming within classification (f) shall be made on Form AAA-389, "Request by Commodity Credit Corporation to Agricultural Adjustment Administration for Allowance of Set-Off Pursuant to Classification (f) of the

Order Governing Set-Offs, Revised by the Secretary of Agriculture April 4, 1939". The certification thereon must be signed by an authorized representative of the Commodity Credit Corporation.

- (17) Provisos (6), (7), (9) and (10) are hereby made applicable to classification (f).
- (18) Requests for set-offs in cases coming within classification (g) shall be made on Form AAA-396, "Request and Certification to Agricultural Adjustment Administration for Allowance of Set-Off Pursuant to Classification (g) of the Order Governing Set-Offs Revised by the Secretary of Agriculture August 18, 1939". Provisos (6), (7) and (9) are hereby made applicable to classification (g).
- (19) Revoked by Supplement 8.
- (20) Forms AAA-371 and 396, executed by bureaus, administrations, or corporations within the Department of Agriculture, 373, 374, 386 revised, and 389, and the form prescribed by the Administrator for use in connection with Classification (i), applicable to States in the East Central and Northeast Regions of the Agricultural Adjustment Administration, shall be filed with the Examining Section in Washington of such Administration, and, where applicable to other States, they shall be filed with the applicable State offices of the Agricultural Adjustment Administration. Forms AAA-371 and 396, executed by agencies of the Government not within the Department of Agriculture, shall be filed with the Administrator of the Agricultural Adjustment Administration or, with the prior approval of the Administrator, may be filed with the applicable State offices or the Examining Section.
- (21) Set-offs in cases coming within Classification (a) other than those requested by Commodity Credit Corporation, (c), (d), (g) other than those requested by the Agricultural Adjustment Administration or the Commodity Credit Corporation, and (i) shall not be made against payments for the 1940 and subsequent crop years made under Section 8 of the Soil Conservation and Domestic Allotment Act, as amended, if, at the time the requests for set-offs, or notices thereof, are filed by the State offices of the Agricultural Adjustment Administration in the office of the local agricultural conservation association, the debtor has previously filed in that office Part I of Form ACP-69 assigning such payment in whole or in part.

- (22) Request for set-offs in cases coming within Classification (i) shall be made on a form to be prescribed by the Administrator of the Agricultural Adjustment Administration, and all the information requested by such form must be entered thereon. The certification must be signed by an authorized representative of the Farm Security or Farm Credit Administration.
- (23) Provisos (6), (7), (9), and (10) are hereby made applicable to Classification (i).

Irrespective of the time of recordation on the Register of Indebtedness in the office of the county agricultural conservation association, any claim to the right of set-off made by the Department of Agriculture shall have priority over any claim to such right made by any other department, independent agency, or establishment of the Government, and claims within the Department of Agriculture shall be satisfied in the following order of priority, namely, Agricultural Adjustment Administration, Commodity Credit Corporation, Farm Security Administration, and Farm Credit Administration.

The head of any such department, independent agency, or establishment of the Government, including any other administration or bureau of the Department of Agriculture, desiring that set-offs be made in any cases coming within the terms of this revised order shall notify in writing the Administrator of the Agricultural Adjustment Administration to that effect in order that the necessary procedure may be established and approved by him. The Administrator of the Agricultural Adjustment Administration is hereby authorized to revise such existing forms and to issue such new forms as may be required from time to time for the proper administration of this order.

